

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

// CRIMINAL ACTION NO. 1:08CR37
(Judge Keeley)

SEAN FABIAN,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DENYING MOTION TO SUPPRESS**

On June 16, 2008, defendant Sean Fabian ("Fabian"), by counsel, filed a motion to suppress. The motion was referred to United States Magistrate Judge John S. Kaull for a hearing and report and recommendation ("R&R"). On July 24, 2008, Magistrate Judge Kaull conducted a hearing on the motion. On July 29, 2008, Magistrate Judge Kaull entered an R&R recommending that this Court deny the motion. The R&R also specifically warned that failure to object to the Magistrate Judge's recommendations would result in the waiver of any appellate rights on this issue. Nevertheless, Fabian failed to file any objections.¹ Consequently, after de novo review of the issues raised in the defendant's motion, the Court **ADOPTS** the R&R in its entirety (dkt. no. 25) and **DENIES** the motion (dkt. no. 10).

¹ Fabian's failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND DENYING MOTION TO SUPPRESS**

It is so **ORDERED**.

The Clerk is directed to transmit a copy of this Order to counsel of record and all appropriate agencies.

Dated: August 15, 2008.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE